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# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/07065	International filing date (day/month/year) 01.07.2003	Priority date (day/month/year) 24.07.2002	
International Patent Classification (IPC) or both national classification and IPC A61K7/32			
Applicant UNILEVER PLC et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
  
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  18.12.2003	Date of completion of this report  27.07.2004
Name and mailing address of the International preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Donovan-Beermann, T  Telephone No. +49 89 2399-8213 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/EP 03/07065**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-13 as originally filed

**Claims, Numbers**

1-14 received on 27.10.2003 with letter of 27.10.2003

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
  - ☐ the language of publication of the international application (under Rule 48.3(b)).
  - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
  - ☐ filed together with the international application in computer readable form.
  - ☐ furnished subsequently to this Authority in written form.
  - ☐ furnished subsequently to this Authority in computer readable form.
  - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
  - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-14
	No: Claims	
Inventive step (IS)	Yes: Claims	1-14
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/07065

**Ad Section V:**

The present application relates to a suspension antiperspirant aerosol composition comprising milled activated aluminium chlorohydrate (AACH) having non-hollow particles and a carrier fluid comprising a masking oil of viscosity  $10^3 \text{ mm}^2/\text{s}$  or greater. A method of manufacturing the composition, and a method of reducing perspiration and giving low visible deposits using the composition are also claimed.

The masking oils of the present application are said to be preferably hydrocarbon oils, ester oils and silicone oils, especially hydrogenated polyolefins such as hydrogenated polydecenes, silicone oils such as linear and crosslinked polydimethylsiloxanes, hydrogenated polyalkenes such as Panalene, etc.

The amended claims are ~~identical~~ <sup>substantially</sup> identical to the originally filed claims, merely renumbered to include a claim 7, which was missing.

The following documents may be referred to in the present procedure:

- D1: US-A1- 2002/0037264
- D2: EP-A-0 804 921
- D3: US-A-5 840 289 cited in the application
- D4: US-B1-6 251 376
- D5: WO-A-97 47273
- D6: WO-A-02 055044
- D7: US-B1-6 245 324
- D8: WO-A-98 35648

D1 discloses antiperspirants containing calcium channel blocking agents and pore blocking agents. Example 6.6 contains milled AACH, DC245 (volatile cyclomethicone) and polydecene. Polydecene is normally of low viscosity (see D2, page 2, line 54-page 3, line 3). Thus this would not appear to anticipate the subject matter of the present application (Art.33(2) PCT).

D2 discloses antiperspirant or deodorant compositions containing polydecene of low viscosity, and an antiperspirant or deodorant active such as activated aluminium

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zirconium glycinate (see page 2, line 35-page 3, line 30). Other ingredients may include non-volatile silicones such as DC 200 fluids (see page 3, lines 54-55). However, no examples are provided with AACH and non-volatile silicones.

D3 discloses a suspension antiperspirant aerosol composition containing 1-30% by weight solid milled AACH, 1-30% by weight of a liquid masking agent, and 30-90% by weight of propellant (see col.1, lines 57-62). The AACH is non-hollow, like that of the present application (see col.1, line 66-col.2, line 15). The masking agent is eg. benzoate ester, hydrogenated polybutene or others (see col.2, lines 16-19 and col.2, lines 38-55). In the examples, the masking agents used are Finsolv TN, Silkflo 364 NF, Panalene L-14E and Cosmacol PLG (see col.4).

Silkflo 364 NF is a hydrogenated polydecene. Panalene L-14E is a hydrogenated polyisobutene. Finsolv TN is a C13-C15 alkyl benzoate. Cosmacol PLG appears to be a C12-C13 trialkyl citrate or tartrate. The applicant has shown that these masking agents, and those also of col.2, are low viscosity agents which thus do not fall within the scope of the present claims.

The subject matter of the present claims is thus novel (Art.33(2) PCT).

The examples in the application show clearly the benefits of using the high viscosity masking agents in terms of the reduction in whiteness or visible deposits. Thus inventive step can be acknowledged (Art.33(3) PCT).